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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

TIMOTHY RAY MELENEY,

Defendant and Appellant.

D075047

(Super. Ct. No. SCD275670)

APPEAL from a judgment of the Superior Court of San Diego County, Albert T. Harutunian III, Judge. Affirmed.

Siri Shetty, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury convicted Timothy Ray Meleney of two counts of willful infliction of corporal injury (Pen. Code, § 273.5)<sup>1</sup> (counts 1 and 2), one count of assault by means of force likely to produce great bodily injury (§ 245, subd. (a)(4)) (count 3), and one count

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<sup>1</sup> All further statutory references are to the Penal Code.

of attempting to dissuade a victim from reporting a crime (§ 136.1, subd. (b)(1)) (count 4), and found true allegations that Meleney personally inflicted great bodily injury on the victim (counts 2 and 3). The trial court sentenced Meleney to five years in prison, consisting of the low term of two years for count 2, the low term of three years for the sentencing enhancement attached to count 2, a concurrent low term of two years for count 1, a stayed term for count 3 and the enhancement attached to count 3, and a concurrent low term of 16 months for count 4.

Meleney appeals. His court-appointed appellate counsel has filed a brief under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), which raised no issues and requested we independently review the record to determine if the trial court committed any error. We granted Meleney the opportunity to file a supplemental brief on his own behalf and he has not responded. We have independently reviewed the record under *Wende* and have found no reasonably arguable issues for reversal on appeal. Therefore, we affirm.

## I

### BACKGROUND

On the evening of February 12, 2018, Meleney's ex-wife (and on-again, off-again girlfriend) called 911 and reported that Meleney had assaulted her. When police officers arrived at the victim's residence, they encountered Meleney and the victim covered in blood. The victim informed the officers that Meleney had become verbally abusive and physically aggressive after they had gotten into an argument about finances. She stated that Meleney grabbed her by the neck and hair, threw her to the ground in the bathroom, strangled her, and punched her in the mouth and ribs 15 to 20 times. She added that

Meleney tried to prevent her from calling 911 by throwing her cell phone into a basin full of water, but she was able to escape into her bedroom where she used the house landline to call 911. In the victim's bathroom, the officers found blood spatter, portions of the victim's hair that had been torn out, and a sink basin filled with water (where Meleney reportedly threw the victim's cell phone). The victim sustained lacerations on her head and lip, a concussion, and two broken ribs.

At trial, the victim recanted her statements to the police officers, denied that Meleney assaulted her, claimed she was intoxicated on the night she sustained her injuries, and attributed her injuries to an accidental slip-and-fall in the bathroom.

## II

### DISCUSSION

Appointed appellate counsel filed a brief summarizing the facts and proceedings below. Counsel presented no argument for reversal and instead requested we independently review the record for error as mandated by *Wende, supra*, 25 Cal.3d at pp. 441-442. To aid our review, and consistent with *Anders v. California* (1967) 386 U.S. 738, 744, counsel identified two possible appellate issues (*Anders* issues): (1) whether a defendant may sustain two corporal injury convictions for inflicting multiple injuries on a victim through distinct applications of force during a single, continuous event; and (2) whether section 654 prohibits separate punishments for both of Meleney's corporal injury convictions.

We conducted an independent review of the record, including considering the *Anders* issues identified by appointed appellate counsel. Our review did not disclose any

reasonably arguable appellate issues. Meleney has been competently represented by counsel in this appeal.

### III

#### DISPOSITION

The judgment is affirmed.

O'ROURKE, J.

WE CONCUR:

HUFFMAN, Acting P. J.

IRION, J.